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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,229

03/26/2004

Anu Virtanen

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<b>Application No.</b> 10/811,229	<b>Applicant(s)</b> VIRTANEN ET AL.	
	<b>Examiner</b> Jean A. Gelin	<b>Art Unit</b> 2617	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_  
 Claim(s) objected to: 14-16 and 20-23.  
 Claim(s) rejected: 1-5, 8-13 and 24-60.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☒ Other: see attached.

### **DETAILED ACTION**

1. This is in response to the applicant's amendment and argument filed on December 18, 2007 in which claim 25 has been amended. Claims 1-5, 8-16, and 18-60 are currently pending.

### ***Response to Arguments***

2. Applicant's arguments filed 12/18/07 have been fully considered but they are not persuasive.

As per claims 1, 25, 27, 38, and 49, the Applicant argues in substance that Chang and Parkvall fail to teach a predetermined bit pattern that indicates whether control information in the current transmission can be used alone for decoding a transport channel or whether at least a portion of control information from an earlier transmission must also be used for the decoding. However, the Examiner disagrees with the preceding arguments. Chang teaches transmitting a MAC signaling message including control information and a signaling indication indicating transmission of control of the control information, and a MAC signaling field (corresponding to predetermined bit pattern). Parkvall teaches the inclusion of TFCI in every transmitted sub-frame of DPCCH; The TFCI comprises 152=30 bits (corresponding to the predetermined bit pattern) and Parkvall further teaches data transmitted in the sub-frame on the DPDCH is decoded using the TFCI information and forwarded to higher layer; and if DPDCH decoding is successful, decoding one or more DPDCH radio frames for a transmission time interval as indicated by TFCI [0073]-[0076] (i.e., indication for decoding is from the

TFCI). As recited in claims 2 and 3, the transport format combination indicator (TFCI) contains control information and predetermined bit pattern. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Parkwall within the system of Chang in order that a majority vote on the sub-frame decoding attempts of a received radio frame is determined prior to any decoding attempt of an entire radio frame [0078]).

The Applicant further argues that claims 2-5, 8-13, 18-19, 24, 26, 28-37, 39-48, and 50-60 are allowable for the reasons recited above. Given that claims 1, 25, 27, 38, and 49, therefore claims 2-5, 8-13, 18-19, 24, 26, 28-37, 39-48, and 50-60 are also rejected. The finality of the rejection is maintained.

The objection of claims 14-16 and 20-23 is also maintained.

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin  
January 14, 2008

JEAN GELIN  
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean Gelin". The signature is written in dark ink and is positioned below the printed name and title.